

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,)	Case No. 17-cr-00134 (WMW-DTS)
)	
Plaintiff,)	DEFENDANT’S MOTION TO
)	COMPEL ATTORNEY FOR THE
v.)	GOVERNMENT TO DISCLOSE
)	EVIDENCE FAVORABLE TO THE
John Kelsey Gammell,)	DEFENDANT
)	
Defendant.)	
)	

Defendant John Kelsey Gammell moves the Court, pursuant to the authority of *Brady v. Maryland*, 373 U.S. 83 (1963); *Giglio v. United States*, 405 U.S. 150 (1972); *Miller v. Pate*, 386 U.S. 1 (1967); *Giles v. Maryland*, 386 U.S. 66 (1967); and *Moore v. Illinois*, 408 U.S. 786 (1972), for an order compelling disclosure of any evidence in the possession of the prosecution or any of its agents, or other evidence the existence of which is known, or by the exercise of due diligence may become known to the prosecution, which may be favorable to Mr. Gammell or could reasonably weaken or affect any evidence that may be introduced against Mr. Gammell or is otherwise relevant to the subject matter of this case and may in any manner aid Mr. Gammell in the investigation or preparation of his case for trial or sentencing, said disclosure to be made without regard to whether the evidence to be disclosed may be admissible at the trial herein, and to include but not limited to the following:

1. Any statements of any witnesses exculpating Mr. Gammell, including any witnesses who support in any way the statements of Mr. Gammell concerning the conduct described in the Indictment, Criminal Complaint, and Affidavit of Brian Behm filed on April 14, 2017.
2. Any statements of witnesses, which contradict statements of other witnesses.

3. Any statements of any witnesses that contradict any of the alleged victims.
4. Any reports of interviews in addition to what was provided on July 5, 2017.
5. Any evidence inconsistent with the government's allegation that Mr. Gammell violated 18 U.S.C. §1030.
6. Any evidence calling the credibility of the government's witnesses into question in any way.
7. Any prior convictions of prospective government witnesses.
8. Any offers or promises made to prospective government witnesses to induce their cooperation against Mr. Gammell whether or not the government intends to call those persons as witnesses.

Defendant John Kelsey Gammell respectfully requests that:

The Court specifically order the government personally to make inquiry of each investigator, state or federal, involved in this prosecution or the investigation leading up to it to determine whether the investigator has any information subject to disclosure under any of the categories noted above or that is otherwise exculpatory.

The Court specifically order that all information subject to disclosure pursuant to this motion be immediately disclosed.

The Court further order that to the extent the government is aware of any information subject to disclosure pursuant to this motion, it provide that information to the defense separately from other disclosures. Any exculpatory information contained within the thousands of pages of discovery material produced to date does not constitute adequate disclosure.

Dated: August 18, 2017

By s/Rachel K. Paulose

Rachel K. Paulose
DLA Piper LLP (US)
Attorney ID No. 0280902
80 South Eighth Street, Suite 2800
Minneapolis, Minnesota 55402-2013
Telephone: 612.524.3008
Facsimile: 612.524.3001
rachel.paulose@dlapiper.com

ATTORNEY FOR DEFENDANT